

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT  
BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

Case No. 17-BK-3283-LTS

(Jointly Administered)

**MONOLINES' PRELIMINARY FACT WITNESS LIST AND RESERVATION OF  
RIGHTS FOR PLAN CONFIRMATION DISCOVERY**

To the Honorable United States District Judge Laura Taylor Swain:

In accordance with the *Order Establishing Procedures and Deadlines Concerning  
Objections to Confirmation and Discovery in Connection Therewith* [ECF No. 17640] (the  
“**Order**”), the Monolines<sup>2</sup> respectfully state as follows:

**Monolines' Preliminary Fact Witness List**

1. The Order directs creditors “to file a preliminary fact witness list and topics about  
which each witness is expected to testify” by September 6, 2021. Order, ¶ 3. Set forth below is

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<sup>1</sup> The Debtors in these Title III cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s Federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 04780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> “**Monolines**” means Assured Guaranty Corp. (“**AGC**”), Assured Guaranty Municipal Corp. (f/k/a Financial Security Assurance Inc.) (together with AGC, “**Assured**”), Ambac Assurance Corporation (“**Ambac**”), National Public Finance Guarantee Corp. (“**National**”), and Financial Guaranty Insurance Company (“**FGIC**”).

an initial list of witnesses (the “**Preliminary Fact Witness List**”) from which the Monolines may present testimony and the topics about what each witness is expected to testify.

1. Jorge A. Clivillés-Díaz. Executive Vice President of GDB.<sup>3</sup> This witness is expected to testify regarding the 2013 Security Agreement between GDB and HTA.<sup>4</sup>
2. Timothy Ahlberg. Corporate representative of certain Commonwealth<sup>5</sup> entities. This witness is expected to testify regarding the Commonwealth’s flow of funds and the various operative agreements and governing documents.

### **Monolines’ Reservation of Rights**

2. The Monolines hereby reserve all rights provided under the Order including the right to amend this Preliminary Fact Witness List, to add or remove witnesses, or to modify the topic on which each witness is expected to testify. The Monolines note that plan confirmation discovery is still at an early stage, and new witnesses may be identified as such discovery progresses.

3. The Monolines expect the DRA Adversary Proceeding (Case No. 21-00068) to be decided on pure legal issues, but to the extent factual disputes arise, the Monolines reserve the right to call additional witnesses to testify regarding any such factual issues.

4. Each Monoline individually reserves the right to call Rule 30(b)(6) corporate witnesses and to make them available for a deposition consistent with the Order.

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<sup>3</sup> “GDB” means the Government Development Bank for Puerto Rico.

<sup>4</sup> “HTA” means the Puerto Rico Highways and Transportation Authority.

<sup>5</sup> The “Commonwealth” means the Commonwealth of Puerto Rico.

Dated: San Juan, Puerto Rico  
September 6, 2021

**CASELLAS ALCOVER & BURGOS  
P.S.C.**

By: /s/ Heriberto Burgos Pérez  
Heriberto Burgos Pérez  
USDC-PR 204809  
Ricardo F. Casellas-Sánchez  
USDC-PR 203114  
Diana Pérez-Seda  
USDC-PR 232014  
P.O. Box 364924  
San Juan, PR 00936-4924  
Telephone: (787) 756-1400  
Facsimile: (787) 756-1401  
Email: hburgos@cabprlaw.com  
rcasellas@cabprlaw.com  
dperez@cabprlaw.com

***Attorneys for Assured Guaranty Corp. and  
Assured Guaranty Municipal Corp.***

**CADWALADER, WICKERSHAM & TAFT LLP**

By: /s/ Howard R. Hawkins, Jr.  
Howard R. Hawkins, Jr.\*  
Mark C. Ellenberg\*  
William J. Natbony\*  
Thomas J. Curtin\*  
Casey J. Servais\*  
200 Liberty Street  
New York, NY 10281  
Telephone: (212) 504-6000  
Facsimile: (212) 504-6666  
Email: howard.hawkins@cwt.com  
mark.ellenberg@cwt.com  
bill.natbony@cwt.com  
thomas.curtin@cwt.com  
casey.servais@cwt.com

\* Admitted *pro hac vice*

***Attorneys for Assured Guaranty Corp. and Assured  
Guaranty Municipal Corp.***

**FERRAIUOLI LLC**

By: /s/ Roberto Cámara-Fuertes  
Roberto Cámara-Fuertes (USDC-PR No. 219002)  
Sonia Colón (USDC-PR No. 213809)  
221 Ponce de León Avenue, 5th Floor  
San Juan, PR 00917  
Telephone: (787) 766-7000  
Facsimile: (787) 766-7001  
Email: rcamara@ferraiuoli.com  
scolon@ferraiuoli.com

**MILBANK LLP**

By: /s/ Atara Miller  
Dennis F. Dunne (admitted *pro hac vice*)  
Atara Miller (admitted *pro hac vice*)  
Grant R. Mainland (admitted *pro hac vice*)  
John J. Hughes, III (admitted *pro hac vice*)  
Jonathan Ohring (admitted *pro hac vice*)  
55 Hudson Yards  
New York, NY 10001  
Telephone: (212) 530-5000  
Facsimile: (212) 530-5219  
Email: ddunne@milbank.com  
amiller@milbank.com  
gmainland@milbank.com  
jhughes2@milbank.com  
johring@milbank.com

***Attorneys for Ambac Assurance Corporation***

**ADSUAR MUNIZ GOYCO SEDA &  
PEREZ-OCCHOA PSC**

By: /s/ Eric Pérez-Ochoa

Eric Pérez-Ochoa

Luis A. Oliver-Fraticelli

208 Ponce de Leon Ave., Suite 1600

San Juan, PR 00936

Telephone: (787) 756-9000

Fax: (787) 756-9010

Email: epo@amgprlaw.com

loliver@amgprlaw.com

***Counsel for National Public Finance  
Guarantee Corp.***

**WEIL, GOTSHAL & MANGES LLP**

By: /s/ Robert Berezin

Jonathan Polkes (admitted *pro hac vice*)

Gregory Silbert (admitted *pro hac vice*)

Robert Berezin (admitted *pro hac vice*)

Kelly DiBlasi (admitted *pro hac vice*)

Gabriel A. Morgan

767 Fifth Avenue

New York, NY 10153

Telephone: (212) 310-8000

Fax: (212) 310-8007

Email: jonathan.polkes@weil.com

gregory.silbert@weil.com

robert.berezin@weil.com

kelly.diblas@weil.com

gabriel.morgan@weil.com

***Counsel for National Public Finance Guarantee  
Corp.***

**REXACH & PICÓ, CSP**

By: /s/ María E. Picó

María E. Picó

USDC-PR 123214

802 Ave. Fernández Juncos

San Juan, PR 00907-4315

Telephone: (787) 723-8520

Facsimile: (787) 724-7844

E-mail: mpico@rexachpico.com

***Attorneys for Financial Guaranty  
Insurance Company***

**BUTLER SNOW LLP**

By: /s/ Martin A. Sosland

Martin A. Sosland (admitted *pro hac vice*)

2911 Turtle Creek Blvd., Suite 1400

Dallas, TX 75219

Telephone: (469) 680-5502

Facsimile: (469) 680-5501

Email: martin.sosland@butlersnow.com

James E. Bailey III (admitted *pro hac vice*)

Adam M. Langley (admitted *pro hac vice*)

6075 Poplar Ave., Suite 500

Memphis, TN 38119

Telephone: (901) 680-7200

Facsimile: (901) 680-7201

Email: jeb.bailey@butlersnow.com

adam.langley@butlersnow.com

***Attorneys for Financial Guaranty Insurance  
Company***

**CERTIFICATE OF SERVICE**

I hereby certify that on this same date a true and exact copy of this notice was filed with the Clerk of Court using the CM/ECF system, which will notify a copy to counsel of record.

By: /s/ Roberto Cámara-Fuertes  
Roberto Cámara-Fuertes (USDC-PR No. 219002)  
221 Ponce de León Avenue, 5th Floor  
San Juan, PR 00917  
Telephone: (787) 766-7000  
Facsimile: (787) 766-7001  
Email: rcamara@ferraiuoli.com